

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CASSANDRA BAKER,
and all others similarly situated,

Plaintiffs,

vs.

GLENN M. ROSS, P.C. and GLENN M. ROSS

Defendants.

CIVIL ACTION

No.: 17-4274

**PLAINTIFFS' RESPONSE TO PETITIONER ALINA VOLKOVA-BURDA'S
MOTION TO ADD ADDITIONAL PLAINTIFF**

For the second time, petitioner Alina Volkova-Burda seeks to intervene in the motion and be added as a plaintiff in this action. This Court should again deny the motion.

On February 20, Ms. Volkova-Burda filed a motion to intervene and be added as a plaintiff in this action. ECF No. 17. On February 21, Ms. Volkova-Burda filed a second copy of her motion, attaching correspondence in support of the motion. ECF No. 18. On February 23, this Court denied the motion, holding that the then-proposed class definition was of Philadelphia consumers, but that Ms. Volkova-Burda is “a resident of Montgomery County,” and therefore “does not fall within the purported class.” ECF No. 20.¹

No underlying facts have meaningfully changed since this Court’s ruling. On September 12, 2018, the Court provisionally certified the following class:

¹ As shown in the correspondence attached to Ms. Volkova-Burda’s February 21 filing, her claims against Defendants appear to relate to condominium fees on a property located in King of Prussia, Pennsylvania, which is located within Montgomery County.

All Philadelphia Residential Tenants who at any time between September 26, 2016 and March 14, 2018 (inclusive) were sued in Landlord-Tenant Court by Defendants, for leases identified as commencing on or after October 12, 2011, where that Complaint demanded moneys for tenancy periods prior to the tenant's receipt of a Certificate of Rental Suitability issued by the City of Philadelphia.

ECF No. 37 (emphasis added). As such, Ms. Volkova-Burda's claims continue to fall outside of the class, which is limited to claims concerning properties within Philadelphia County. Therefore, Plaintiffs and Class Counsel do not represent Ms. Volkova-Burda.² Moreover, Plaintiffs do not intend to alter or amend the class definition to include Ms. Volkova-Burda's claims or any claims concerning properties located outside of Philadelphia County.

On these grounds, Plaintiffs oppose the motion. Plaintiffs have no opinion on the merits of Ms. Volkova-Burda's individual claims, which she is free to pursue separately with her own counsel.³

² Separately, Plaintiffs' counsel declined to represent Ms. Volkova-Burda in writing on January 2, 2018 on the same grounds.

³ The Court may also deny the motion on another grounds. Mr. Burda, an apparent non-lawyer, seeks to use a power of attorney to represent Ms. Volkova-Burda here. A power of attorney, however, "does not empower the individual holding power of attorney to actually practice law." *Leyfert v. Pa. House of Representatives*, No. 05-4700, 2005 U.S. Dist. LEXIS 32498, at *7 (E.D. Pa. Dec. 13, 2005).

Dated: October 12, 2018

Respectfully submitted,

Charles M. Delbaum
Admitted Pro Hac Vice
NATIONAL CONSUMER LAW
CENTER
7 Winthrop Square, 4th Floor
Boston, MA 02110
(617) 542-8010

/s/ Daniel Urevick-Ackelsberg
Mary M. McKenzie, Esq. (Bar No. 47434)
Daniel Urevick-Ackelsberg, Esq.
(Bar No. 307758)
PUBLIC INTEREST LAW CENTER
1709 Benjamin Franklin Parkway, 2nd
Floor
Philadelphia, PA 19103
(215) 627-7100

Nicholas E. Chimicles (Bar No. 17928)
Alison Gabe Gushue (Bar No. 203669)
CHIMICLES & TIKELLIS, LLP
361 West Lancaster Ave
One Haverford Centre
Haverford, PA 19041

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs hereby certifies that a true and correct copy of the foregoing Notice of Appearance was electronically filed through the court's CM/ECF filing system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

A copy will be separately sent via first class mail to Steven Burda and Alina Volkova-Burda, at 1171 Thrush Lane, Audobon, PA 19403.

Dated: October 12, 2018

/s/ Daniel Urevick-Acklesberg
Daniel Urevick-Acklesberg, Esq.